

1 BARRY J. PORTMAN
2 Federal Public Defender
2 LARA S. VINNARD
3 Assistant Federal Public Defender
3 160 West Santa Clara Street, Suite 575
3 San Jose, CA 95113
4 Telephone: (408) 291-7753

5 Counsel for Defendant CONNERS

6

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10 UNITED STATES OF AMERICA,

11 Case No.: CR 10-70942 PSG

12 Plaintiff,

13 **STIPULATION TO CONTINUE
HEARING AND EXCLUDE TIME;
[PROPOSED] ORDER**

14 WILLIAM CONNERS,

15 Honorable Paul S. Grewal

Defendant .

16 _____ /
17 Defendant William Conners and the government, through their respective counsel, hereby
18 stipulate that, subject to the Court's approval, the hearing in the above-captioned matter, presently
19 scheduled for Thursday, December 15, 2011, at 9:30 a.m., be continued to Thursday, January 26,
20 2012, at 9:30 a.m. Mr. Conners is presently at FCI-Butner to determine whether he can be restored
21 to competence. Defense counsel has been informed by Butner staff that their evaluation is complete,
22 but their report will not be available until December 19. In their view, Mr. Conners is competent
23 when properly medicated, and Butner staff recommended continuing Mr. Conners' appearance until
24 after the holidays to ensure that he would be transported quickly without unnecessary interruptions in
25 his medication regimen. Additionally, based on the advice of Butner staff, once the report is
26 available, the defense will request a court order that Mr. Conners receive his prescribed medications

STIP. TO CONTINUE;
[PROPOSED] ORDER
No. CR 10-70942 PSG

1 while in transit.

2 Mr. Conners is presently charged by complaint with one felony count of assault on a federal
3 employee. Because he has not yet been charged by information or indictment due to the earlier
4 finding of incompetence, the parties further agree and stipulate that time for preliminary hearing
5 provided by Fed. R. Crim. Proc. 5.1(c) should be tolled until February 2, 2011. In the event that the
6 Court determines that Mr. Conners has been restored to competence, the 14-day clock will begin to
7 run at that time. Accordingly, Mr. Conners and the government agree that granting the requested
8 exclusion of time will serve the interest of justice and the ends of justice.

9 Dated: 12/9/11

/s/
10 LARA S. VENNARD
Assistant Federal Public Defender

11 Dated: 12/9/11

/s/
12 TOM O'CONNELL
Assistant United States Attorney

13

14 [XXXXXXXXXXXX | ORDER

15 The parties have jointly requested a continuance of the hearing set for Thursday, December
16 15, 2011, because Mr. Conners is presently at FCI-Butner undergoing treatment for restoration of
17 competency. According to defense counsel, Butner staff have recommended that this hearing should
18 be continued so that Mr. Conners may be transported after the holidays with minimal delays and to
19 facilitate continuity in his medication regimen.

20 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently
21 set for Thursday, December 15, 2011, at 9:30 a.m., be continued to Thursday, February 2, 2012 at
22 9:30 a.m., and further ordered that the time for preliminary hearing provided by Fed. R. Crim. P.
23 5.1(c) should be tolled until February 2, 2012. In the event that the Court determines that Mr.
24 Conners has been restored to competence, the 14-day clock shall commence to run at that time.

25
26 STIP. TO CONTINUE;
[PROPOSED] ORDER
No. CR 10-70942 PSG

1 IT IS SO ORDERED.
2
3 Dated: F gego dgt"; ."4233" PAUL S. GREWAL
4 United States Magistrate Judge
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

STIP. TO CONTINUE;
[~~PROPOSED~~] ORDER
No. CR 10-70942 PSG